



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address : COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
077699,479	05/13/91	FOSNAUGH	30226

EXAMINER
WOODS, R

DONALD J. BROTT
MARSHALL, O'TOOLE, GERSTEIN,
MURRAY & BICKNELL
TWO FIRST NATIONAL PLAZA
CHICAGO, IL 60603

ART UNIT	PAPER NUMBER
324	5

DATE MAILED: 09/10/91

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-17 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-17 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Art Unit. 324

1. The disclosure is objected to because of the following informalities: The reference numeral " $\frac{1}{2}$ 57" shown in Figure 3 of the drawings should be mentioned in the specification.

On page 4 line 9, "punching stations **A** through I" is incorrect since there is no punching station G in the drawings.

Why is disc 10f not mentioned on page 4 line 16 or die station F on page 4 line 18?

On page 6 line 9, "A,B,H and I" should be --40A, 40B, 40H and 40I -- in order to correspond to the drawings. Also, on line 26, "A" should be -- 40A --.

On page 8 line 7, "40C" should be --40e--. Appropriate correction is required.

2. Claims 3,4 and 12-17 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3 line 1, "the ends" lacks positive antecedent basis.

In claim 12, "each pair of adjacent sections" in lines 3-4, and "each pair of adjacent discs" in line 5 lack positive antecedent basis.

In claim 14 line 2, "the ends" lacks positive antecedent basis.

It is not understood how claim 16 further limits claim

Art Unit 324

12 since no further step ending in "ing" is recited.

In claim 17 lines 11-12, "said deformable bridges" lacks positive antecedent basis. Are these the same as the "deformable bridge means" set forth in line 10?

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-7, 9-14, 16, and 17 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Archer.

5. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

6. Claims 4, 8, and 15 are rejected under 35 U.S.C. § 103 as being unpatentable over Archer.

Archer discloses a die-shaping apparatus and process and product formed thereby which comprise all of the recited limitations except that the angled shape is in the form of a semicircle and not in the form of a chevron. It would have been an obvious matter of design choice to modify Archer by making the angled shape in the form of a chevron, as claimed, since applicant has not disclosed that having the angled shape in the form of a chevron solves any stated problem or is for any particular purpose and it appears that the bridge would perform equally well with the angled shape in any form as long as enough material was removed from the slot so that the bridge would "flex or bend" (Column 1, lines 46-47) as taught by Archer.

7. Leland and Sidebotham are cited for further reference.

8. Any inquiry concerning this communication should be directed to Raymond Woods at telephone number (703) 308-1411.

lw
Woods/msm
August 25, 1991

Hien H. Phan

HIEN H. PHAN
PRIMARY EXAMINER
ART UNIT 324